



Holland & Hart  
55517th Street  
Suite 3200  
Denver CO 80201-8749

14 AUG 2006

In re Application of :  
Robins et al. :  
Application No. 10/529,106 :  
PCT No.: PCT/US03/30386 :  
Int. Filing Date: 25 September 2003 : **DECISION**  
Priority Date: 25 September 2002 :  
Atty. Docket No.: 49506.830001.US1(0007) :  
For: Method For The Preparation Of 2- :  
Halo-2'-Deoxyadenosine Compounds :  
For 2'-Deoxyguanosine :

This is in response to the "Supplemental Response..." filed on 21 April 2006.

### DISCUSSION

In a Decision mailed on 03 April 2006, the declaration of the inventors was filed on 09 January 2004 under PCT Rule 4.17(iv) was not accepted, without prejudice, because "inspection of the declaration filed under Rule 4.17(iv) reveals that it is defective because it does not identify the international application number to which it is directed. Therefore, the requirement for submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) still has not been satisfied."

The instant "Supplemental Response..." includes a declaration which appears to have been altered after it was executed, by having the international application number added to the first page. Since the international application number apparently was added after the declaration was signed, it is not clear that the signing inventors in fact intended to execute this international application. Therefore, the declaration is not in compliance with 37 CFR 1.497(a) and (b). Since the Decision mailed on 03 April 2006 set a non-extendable one month period for the filing of "an oath or declaration in compliance with 37 CFR 1.497(a) and (b)," and since applicants did not in fact file an acceptable oath or declaration prior to the expiration of the period for response, this international application is **ABANDONED** with regard to the national stage in the United States under 35 U.S.C. 371(d).

### DECISION

The declaration filed on 21 April 2006 is **NOT ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b) and 35 U.S.C. 371(c)(4).

This international application is **ABANDONED** with regard to the national stage in the United States under 35 U.S.C. 371(d).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.



Leonard Smith  
PCT Legal Examiner  
Office of PCT Legal Administration



George M. Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283  
Fax: (571) 273-0459